

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

v.

TONY DANIEL KLEIN,

Defendant.

Case No. 3:22-cr-84-SI

**ORDER SETTING AGENDA FOR
FINAL PRETRIAL CONFERENCE**

Natalie K. Wight, United States Attorney, Gavin W. Bruce and Hannah Horsley, Assistant United States Attorneys, UNITED STATES ATTORNEY'S OFFICE, 405 East 8th Avenue, Suite 2400, Eugene, OR 97401; and Cameron A. Bell, Trial Attorney, UNITED STATES DEPARTMENT OF JUSTICE, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530. Of Attorneys for United States of America.

Matthew G. McHenry, LEVINE & MCHENRY LLC, 1050 SW Sixth Avenue, Suite 1414, Portland, OR 97204; and Amanda A. Thibeault, ALVAREZ THIBEAULT LLC, 330 NE Lincoln Street, Suite 200, Hillsboro, OR 97124. Of Attorneys for Defendant Tony Daniel Klein.

Michael H. Simon, District Judge.

The Court has scheduled a final pretrial conference in this matter to be held on Friday, June 30, 2023, at 10:00 a.m. The jury trial is scheduled to begin on Monday, July 10, 2023. The Court now set the following agenda for the final pretrial conference.

1. Expert Witnesses
 - a. Defendant's expert witness **Constantine Alleyne**
Precisely what opinions will Ms. Alleyne be offering?

- b. Government's expert witness **Robert W. Dumond**
Precisely what opinions will Mr. Dumond be offering?
- 2. Government's Motions in Limine Nos. 11, 12, and 15
- 3. Jurors, Jury Selection, and Exercise of Challenges and Strikes
 - a. Court's voir dire script (including witness names)
 - i. Any names to add or delete?
 - ii. Why does the Government's Witness List (ECF 62) contain many more names than the Government submitted for the Juror Questionnaire?
 - b. Private questioning based on selected questionnaire responses
 - c. Attorney-conducted supplemental voir dire (limitations)
 - d. Challenges for cause
 - e. Number of alternates
 - f. Peremptory strikes (manner of exercising)
- 4. Course of Trial Day
 - a. Hours and breaks
 - b. Minimal sidebars
 - c. Witnesses taken out of order, if needed
 - d. Witnesses must be ready when called
- 5. Exhibits to be Introduced in Evidence
- 6. Received Evidence Displayed through JERS
- 7. Demonstrative (Illustrative) Exhibits (e.g., timelines, list of witnesses, etc.?)
 - i. To be used during opening statements
 - ii. To be used during trial
 - iii. To be used during closing arguments

8. Cautionary or Limiting Instructions During Trial (Any anticipated?)
9. Final Jury Instruction and Verdict Form Conference
10. Court's Tentative Preliminary Jury Instructions (Any comments?)
11. Any Other Issues that the Government Wishes to Address
12. Any Other Issues that Defendant Wishes to Address

IT IS SO ORDERED.

DATED this 28th day of June, 2023.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge